IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3633 of 2007()

CMP.4818/2007 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.110/2007 OF KOTTARAKARA EXCISE RANGE

.....

: PETITIONER/ACCUSED

RAJENDRAN, S/O. AYYAPPAN,
AMBADIYIL VEEDU, KOTTATHALA WEST, PUTHOOR VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, KOTTARAKARA EXCISE RANGE,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3633 of 2007

Dated this the 18th day of June 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. It is alleged that on 30/05/2007 at 6.30 p.m, he was found in possession of 5 litres of arrack. He was arrested then and produced before the learned Magistrate on 31/5/2007. He continues in custody. His application for bail having been dismissed by the learned Magistrate. He has come directly before this court without moving the learned Sessions Judge for bail. The learned Public Prosecutor opposes the application. He submits that the petitioner is involved in another crime and he has been enlarged on bail in such crime.

2. In the wake of opposition by the learned Public Prosecutor, bail cannot be granted to the petitioner only if the court is in a position to entertain the twin satisfaction under Section 41A of the Kerala Abkari Act on the facts revealed. I do not find it possible to entertain those satisfactions. The petitioner cannot, hence, be granted bail.

3. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail again, at a later stage of the proceedings, not at any rate, prior to 30/6/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007